

REMARKS

Claims 14-19, 22-24, and 26-33 are pending herein. Claim 14 has been amended to address matters of form.

Examiner Nguyen is thanked for courtesies to Applicants' undersigned representative during a telephonic interview on January 7, 2009. During the telephonic interview, Examiner Nguyen indicated that the arguments submitted by Applicant's undersigned representative on December 18, 2008 were persuasive in that all of the pending rejections would be withdrawn once a formal response is filed. The arguments submitted in the facsimile of December 18, 2008 have been incorporated into the following formal remarks.

Claims 14-19, 22-24, and 26-33 were rejected under *§103(a)* over Sadamasa in view of Richardson, and further in view of Howell. This rejection is respectfully traversed.

Independent claims 14 and 26 each recite, in relevant part, a catheter comprising a shaft, a tip at a distal end of the shaft having a tapered portion, and a distal terminus, and an untapered length of shaft is adjacent to tapered portion opposite the distal terminus. The catheter further comprises two or more lumens, the lumens spaced apart from one another by a predetermined distance in the untapered length, a corresponding distance between the lumens in the tapered portion being different from the predetermined distance in the untapered portion.

An important aspect of the present invention is that the diameter of the lumens remains nearly constant through the tapered portion of the catheter. This can be assured through the manufacturing process shown in Fig. 6B where forming mandrels 60, 62 remain during the drawing process. Accordingly, **the distances between the lumens** (e.g., 104 in Fig 9A and 114, 118, 126 in Fig. 9B (shown below)) are reduced in the tapered portion.

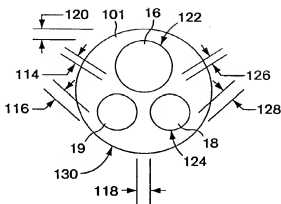


Fig. 9B

In light of the forgoing, independent claims 14 and 26 were amended to recite “the lumens being spaced apart from one another by a predetermined distance in the untapered length, a corresponding distance between the lumens in the tapered portion being different from the predetermined distance.”

In the Office Action, the PTO alleges that Sadamasa discloses that “the diameter of lumens are smaller than the diameter at the untapered portion, thus, the **distance between the center of one lumen to the center of another lumen** at the distal tip is smaller compare to the **distance between the center of one lumen to the center of another lumen** at the untapered portion” (Emphasis added).

Applicants respectfully submit that the recited phrase “the lumen spaced apart from one another by a predetermined distance” is not related to the “distance between the center of one lumen to the center of another lumen.” The lumen is the entire opening, such that the distance one lumen is spaced apart from another lumen is the wall thickness between the lumens. In other words, the **distance a lumen is spaced apart from another lumen** is as shown in Fig. 9B above, and is not the **distance between the centers of two lumens**, as interpreted.

In summary, Sadamasa fails to disclose or suggest a catheter comprising two or more lumens, the lumens spaced apart from one another by a predetermined distance

in an untapered length, a corresponding distance between the lumens in an untapered portion being different from the predetermined distance in the untapered portion, as recited in independent claims 14 and 26. Further, applicants respectfully submit that Richardson and Howell fail to overcome the deficiencies of Sadamasa.

For at least the foregoing reasons, the catheter as recited in each of independent claims 14 and 26 would not have been obvious to one skilled in the art provided with the disclosures of Sadamasa, Richardson, and Howell. Since claims 15-19, 22-24, 29, and 32 depend either directly or indirectly from independent claim 14, and since claims 27, 28, 30, 31, and 33 depend either directly or indirectly from independent claim 26, those claims are also believed to be allowable over the prior art. Accordingly, reconsideration and withdrawal of the present rejection are respectfully requested.

It is believed that all of the pending claims have been addressed in this paper. However, failure to address a specific rejection, issue, or comment does not signify agreement with or concession of that rejection, issue, or comment. In addition, because the arguments made above are not intended to be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this file history should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

If Examiner Nguyen believes that contact with the applicants' attorney would be advantageous toward the disposition of this case, he is herein requested to call applicants attorney at the telephone noted below.

The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to deposit Account No. 50-0289.

Dated: January 23, 2009

Respectfully submitted,

Electronic signature: /Timothy D. Evans/
Timothy D. Evans
Registration No.: 50,797
Marjama Muldoon Blasiak & Sullivan LLP
250 South Clinton Street
Suite 300
Syracuse, New York 13202
(315) 425-9000
Customer No.: 20874

TDE/bs